IN THE HIGH COURT OF JUDICATURE AT BOMBAY

IN ITS INSOLVENCY JURISDICTION

Notice of Motion NO.186 of 2004

In

Notice No.N/135 of 2004

M/s Shree & Co. and Ors..Judgment Debtor

V/s

The Greater Bombay Co Op

Bank Ltd. ..Judgment Creditor

Mr. S.R.Bhalekar for Judgment Creditor

Mr.Prakash Shah i/b Tamhane for Judgment Debtor nos.3, 4, 6 and 7

CORAM:DR.D.Y.CHANDRACHUD,J.

1st February 2005

P.C.:-

. At the hearing of the Motion, Counsel appearing on behalf of Judgment Debtors no 3, 4, 6 and 7 who have moved the Motion states that he has instructions not to press this Notice of Motion since the aforesaid Judgment Debtors seek to move an application for intervention before the Supreme Court where proceedings are pending in appeal against a decision of the Full Bench of the Court on

the question as to whether proceedings under Section 101 of the Maharahstra Co- operative Societies Act, 1960 would be maintainable in view of the provisions of the Recovery of Debts due to Banks and Financial Institutions Act, 1993.

. The motion is dismissed as withdrawn.

(DR.D.Y.CHANDRCHUD,J.)